

**Appl. No.** : **10/791,683**  
**Filed** : **March 2, 2004**

### **REMARKS**

The foregoing amendments and following remarks are responsive to the Office Action of January 14, 2008. By way of summary, Claims 31-35 and 37 have been amended. Claim 36 has been canceled without prejudice or disclaimer. Claims 38-46 are new. Accordingly, Claims 31-35 and 37-46 are pending.

#### Response to Rejections Under 35 U.S.C. 112

Claims 33 and 34 were rejected under 35 U.S.C. 112, second paragraph. In particular, Claim 33 lacked antecedent basis for the phrase "the resulting clean signal," while Claim 34 lacked antecedent basis for the phrase "said clean signal." Each of Claims 33 and 34 has been amended to refer instead to the approximation signal  $A_1$ , which has appropriate antecedent basis. Thus, the Applicant submits that the claim rejections under 35 U.S.C. 112, second paragraph, should be withdrawn.

#### Response to Rejections Under 35 U.S.C. 102(e)

Claims 31, 33, and 34 were rejected under 35 U.S.C. 102(e) as being anticipated by Albrecht et al. With respect to amended Claim 31, the Applicant submits that Albrecht does not disclose every feature of the claim. For example, Albrecht does not disclose "determining a value for a coefficient  $c$  used in a combination of  $M_1$  and  $M_2$  such that the combination of  $M_1$  and  $M_2$  approximates  $S_1$ , wherein determining the coefficient  $c$  comprises comparing frequency domain representations of the two measured signals  $M_1$  and  $M_2$ ." Accordingly, the Applicant submits that Albrecht does not anticipate Claim 31. In addition, each of Claims 33 and 34 depends from Claim 31 and is patentably distinguished from Albrecht for the reasons set forth with respect to Claim 31, and for its additional features.

#### Response to Rejections Under 35 U.S.C. 103(a)

Claims 35 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht. The Applicant submits, however, that each of Claims 35 and 37 depends from Claim 31 and is patentably distinguished from Albrecht for the reasons set forth with respect to Claim 31, and for its additional features.

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### New Claims

Claims 38-46 are new. Support for these claims can be found throughout the Applicant's specification and drawings. Each of Claims 38-46 depends from Claim 31 and is patentably distinguished from Albrecht for the reasons set forth with respect to Claim 31, and for its additional features.

### Response to Rejections for Obviousness-Type Double Patenting

Claims 31-35 and 37 were rejected on the ground of non-statutory obviousness-type double patenting in view of Claims 1-6 of U.S. Patent No. 6,067,462. While the Applicant may not agree with the foregoing rejection, in order to progress the prosecution of the present application, the Applicant has attached an appropriate Terminal Disclaimer. Accordingly, the Applicant respectfully requests withdrawal of the non-statutory, obviousness-type double patenting rejection of the claims.

### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

<b>Serial Number</b>	<b>Title</b>	<b>Filed</b>
10/839276	SIGNAL PROCESSING APPARATUS AND METHOD	05/04/04
11/417858	SIGNAL PROCESSING APPARATUS AND METHOD	05/03/06
11/842128	SIGNAL PROCESSING APPARATUS AND METHOD	08/20/07

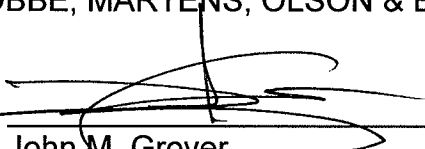
**CONCLUSION**

Applicant respectfully asserts that Claims 31-35 and 37-46 are in condition for allowance and such action is earnestly solicited. If there are any remaining issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney at the number listed below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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